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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,233	04/05/2004	Neil Gelfond	02103-551002 / AABOSW19C	7496
26162	7590	07/27/2007	EXAMINER ZUBAJLO, JENNIFER L	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			ART UNIT	PAPER NUMBER 2629
		MAIL DATE 07/27/2007	DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/820,233	GELFOND ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Jennifer Zubajlo	2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 11 July 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-93 is/are pending in the application.
  - 4a) Of the above claim(s) 1-68 and 76-93 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 69-75 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 July 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/18/2005, 8/15/2005, & 10/23/2006.

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 1-68 & 76-93 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/11/2007.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 69, 70, 72, and 73 are rejected under 35 U.S.C. 102(b) as being anticipated by Jeroen Cappendijk (Pub. No.: US 2003/0025676 A1), hereinafter Cappendijk.

As to claim 69, Cappendijk teaches:

A control mechanism comprising: a user input area ([0004], [0015]); a controller ([0015]); and a proximity detector ([0007], [0017]-[0019]) wherein the proximity detector detects the presence of a user's hand near the user input area and wherein, upon placement of the user's hand near the control mechanism, the controller is configured to change the information content of the display.

As to claim 70, note [0006], [0007], and [0017]-[0019] teach the control mechanism of claim 69 wherein the information content comprises a set of at least one menu option.

As to claim 72, note [0019] teaches the controller is configured to, based upon detection of the presence of a user's hand proximate to the control mechanism, increase the information content displayed.

As to claim 73, note [0019] teaches the controller is configured to, based upon an absence of detection of the presence of a user's hand proximate to the control mechanism, decrease the information content displayed.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeroen Cappendijk (Pub. No.: US 2003/0025676 A1) in view of Hiroshi Ohmura (Patent No.: US 6,208,932 B1), hereinafter Ohmura.

As to claim 71, Cappendijk teaches the limitations as described in the rejection of claim 69 and also teaches the controller is configured to change the information content of a navigation system employed in a vehicle ([0020]).

Cappendijk doesn't teach the controller is configured to change the information content of a multi-media device employed in a vehicle.

Ohmura teaches a multi-media navigation system employed in a vehicle (figures 1-4).

It would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate the multi-media navigation system taught by Ohmura into the control mechanism wherein the controller is configured to change the information content of a navigation system employed in a vehicle taught by Cappendijk because it is well known for a navigation system to have multi-media functions.

6. Claims 74 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeroen Cappendijk (Pub. No.: US 2003/0025676 A1) in view of Tim Schnell (Patent No.: US 6,768,868 B1), hereinafter Schnell.

As to claim 74, Cappendijk teaches the limitations as described in the rejection of claim 69. Cappendijk also teaches the proximity sensor further comprising a transmitter and receiver (see claim 1 and 8). It is well known for a transmitter and receiver to be involved when transmitting signals.

Cappendijk doesn't teach the proximity sensor wherein in addition to sensing a signal indicating proximity of the user's hand to the control mechanism, detects a signal transmitted by a remote control.

Schnell teaches the proximity sensor wherein in addition to sensing a signal indicating proximity of the user's hand to the control mechanism, the receiver detects a signal transmitted by a remote control (see column 3 lines 59-65, column 4 lines 28-31 & lines 35-38, column 5 column 5 lines 44-50).

It would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate the sensor, controller, and remote control taught by Schnell into the control mechanism and proximity sensor taught by Cappendijk because it would allow the device to be more user friendly by allowing the user to choose between 2 different methods of control.

As to claim 75, the combination of Cappendijk and Schnell teach the limitations as described in the rejection of claim 74.

Schnell teaches when the signal indicating proximity of the user's hand and the signal transmitted by the remote control are modulated according to different modulation schemes, the receiver distinguishes between the signal indicating proximity of the user's hand and the signal transmitted by the remote control by identifying one of the modulation and coding of both signals (see column 4 lines 35-38 & column 5 lines 44-50).

It would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate the sensor, controller, and remote control taught by Schnell into the control mechanism and proximity sensor taught by Cappendijk because it would allow the device to be more user friendly by allowing the user to choose between 2 different methods of control.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patent No.: US 5,594,469; US 6,031,519; US 7,218,312; US 6,222,525; US 6,498,628; and US 7,007,417.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Zubajlo whose telephone number is (571) 270-1551. The examiner can normally be reached on Monday-Friday, 8 am - 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JZ  
7/19/07

  
AMARE MENGISTU  
SUPERVISORY PATENT EXAMINER